

FILED

FEB 18 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

DAVID A. CHAVIS, CLERK
Deputy

**SAMMY GROSS, AS THE ADMINISTRATOR
OF THE ESTATE OF PAULINE TILLMAN WAGNER,
DECEASED AND ON BEHALF OF HER
WRONGFUL DEATH BENEFICIARIES**

PLAINTIFFS

VS.

NO. 3:14-cv-00037-MPM-SAA

**GGNSC SOUTHAVEN, LLC D/B/A GOLDEN
LIVING SOUTHAVEN, GOLDEN GATE
NATIONAL SENIOR CARE, LLC, GGNSC EQUITY
HOLDINGS, LLC, GGNSC CLINICAL SERVICES, LLC,
GPH SOUTHAVEN, LLC, GGNSC HOLDINGS, LLC,
GGNSC ADMINISTRATIVE SERVICES, LLC,
GEARY PROPERTY HOLDINGS, LLC,
BEVERLY ENTERPRISES, INC., PEARL SENIOR
CARE, LLC AND DRUMM CORP., LLC**

DEFENDANTS

NOTICE OF REMOVAL

COME NOW Defendants GGNSC Southaven, LLC d/b/a Golden Living Center Southaven, Golden Gate National Senior Care, LLC, GGNSC Equity Holdings, LLC, GGNSC Clinical Services, LLC, GPH Southaven, LLC, GGNSC Holdings, LLC, GGNSC Administrative Services, LLC, and Beverly Enterprises, Inc. (hereinafter "Defendants") by and through counsel, and file this their Notice of Removal of this action to the United States District Court for the Northern District of Mississippi, Oxford Division, and set forth the following grounds for removal, to-wit:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

2. Plaintiff Sammy Gross, as the Administrator of the Estate of Pauline Tillman Wanger, deceased and on behalf of her heirs and wrongful death beneficiaries ("Plaintiff") filed this action against Defendants and others on or about January 21, 2014 in the Circuit Court of DeSoto County, Mississippi. Defendants were all served with process on or about February 3, 2014. Pursuant to the provisions of §§ 1441 and 1446 of Title 28 of the United States Code, Defendants timely remove this action to the United States District Court for the Northern District of Mississippi, Oxford Division, which is the judicial district and division in which the action is pending.

3. The complaint asserts a claim for damages based upon alleged negligence, medical malpractice and deviations from the standard of care at GGNSC-Southaven in regard to long term care provided to Pauline Tillman Wagner, deceased.

4. The decedent Pauline Tillman Wagner was at the time of her death a citizen of the State of Mississippi. According to the Complaint Plaintiff represents that Defendants are not organized and existing under the laws of the State of Mississippi. There is complete diversity of citizenship, therefore, between the Defendants and Plaintiff.

5. Removal of this action to the United States District Court is proper under 28 U.S.C. § 1441(a) and (b), given that there is complete diversity of citizenship between Plaintiff and the Defendants GGNSC Southaven, LLC d/b/a Golden Living Center Southaven, Golden Gate National Senior Care, LLC, GGNSC Equity Holdings, LLC, GGNSC Clinical Services, LLC, GPH Southaven, LLC, GGNSC Holdings, LLC, GGNSC Administrative Services, LLC, and Beverly Enterprises, Inc. as the Defendants are not citizens of the State of Mississippi. The United States District Court would, therefore, have had original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 had the action

originally been filed in Federal Court. Defendants' Notice of Removal is timely because the Notice was filed in this Court within thirty (30) days after receipt by the Defendants "of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. . . ". 28 U.S.C. § 1446(b). Defendants separately file a copy of all process, pleadings and orders served on said Defendants in the action.

6. Co-defendants Geary Property Holdings, LLC, Pearl Senior Care, LLC and Drumm Corp., LLC are joining in this removal by separate joinder filed of record.

WHEREFORE PREMISES CONSIDERED, Defendants GGNSC Southaven, LLC d/b/a Golden Living Center Southaven, Golden Gate National Senior Care, LLC, GGNSC Equity Holdings, LLC, GGNSC Clinical Services, LLC, GPH Southaven, LLC, GGNSC Holdings, LLC, GGNSC Administrative Services, LLC, and Beverly Enterprises, Inc. pray that this Court will exercise jurisdiction and proceed with the handling and disposition of this case, and all claims asserted herein, and that all further proceedings in the Circuit Court of DeSoto County, Mississippi be hereby stayed.

Respectfully submitted this the 14 day of February, 2014.

**GGNSC-SOUTHAVEN, LLC, D/B/A
GOLDEN LIVING CENTER
SOUTHAVEN, GOLDEN GATE
NATIONAL SENIOR CARE, LLC, GGNSC
EQUITY HOLDINGS, LLC, GGNSC
CLINICAL SERVICES, LLC, GPH
SOUTHAVEN, LLC, GGNSC HOLDINGS,
LLC, GGNSC ADMINISTRATIVE
SERVICES, LLC, AND BEVERLY
ENTERPRISES, INC. Defendants**

By: 

**L. BRADLEY DILLARD
Mississippi Bar No. 10114**

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, L. BRADLEY DILLARD, one of the attorneys for Defendants GGNSC Southaven, LLC d/b/a Golden Living Center Southaven, Golden Gate National Senior Care, LLC, GGNSC Equity Holdings, LLC, GGNSC Clinical Services, LLC, GPH Southaven, LLC, GGNSC Holdings, LLC, GGNSC Administrative Services, LLC, and Beverly Enterprises, Inc. do hereby certify that I have this date forwarded, via e-mail and United States Mail, postage prepaid thereon, a true and correct copy of the above and foregoing Notice of Removal to the following counsel:

Peter Gee, Esq.
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THIS the 14 day of February, 2014.



L. BRADLEY DILLARD